

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
ENTERED

SEP 28 1999

CLARENCE A. STEVENS, ET AL.,

PLAINTIFFS

VS.

METROPOLITAN TRANSIT
AUTHORITY, ET AL.,

DEFENDANTS.

Michael N. Milby, Clerk of Court

CIVIL ACTION NO. H-98-0362

**ORDER GRANTING DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AND DENYING PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT**

This lawsuit arises under the Fair Labor Standards Act ("FLSA"). Plaintiffs are 167 bus operators^{1/} employed by Defendant Metropolitan Transit Authority ("Metro"). Plaintiffs claim that they have been improperly denied payment for time spent responding to "see the superintendent notes" which they receive from their superiors. The parties have stipulated that Defendant Metro's records show that each Plaintiff spent 5.11 minutes on average in meetings resulting from "see the superintendent" notes and that each Plaintiff averaged approximately 5.06 meetings per year during the time period March 1998 through May 15, 1999. The parties have stipulated that the time and frequency of meetings which are reflected in Defendant Metro's records are *de minimus* under the Fair Labor Standards Act. See Lindow v. United States, 738 F.2d 1057, 1062 (9th Cir. 1984) ("Most courts have found daily periods of approximately 10 minutes *de minimus* even though otherwise compensable.").


^{1/} This case was being brought by 330 Plaintiffs prior to the Court's Order of May 13, 1999. By Order signed May 13, 1999, the Court dismissed 164 Plaintiffs from this lawsuit. However, one of the 164 Plaintiffs dismissed (Anthony W. Klright) should not have been a part of the Court's Order. The inclusion of the name Anthony W. Klright in the Court's Order was an error as there is no person named Anthony W. Klright who is a plaintiff in this case. Therefore, 163 Plaintiffs were dismissed by the Court's May 13, 1999, Order.

Therefore, having considered Defendants' Motion for Summary Judgment, the evidence presented therewith, and the other pleadings on file in this matter (including Plaintiffs' Motion for Summary Judgment), the Court hereby grants Defendants' Motion for Summary Judgment based on the *de minimus* doctrine and denies Plaintiffs' Motion for Summary Judgment. It is:

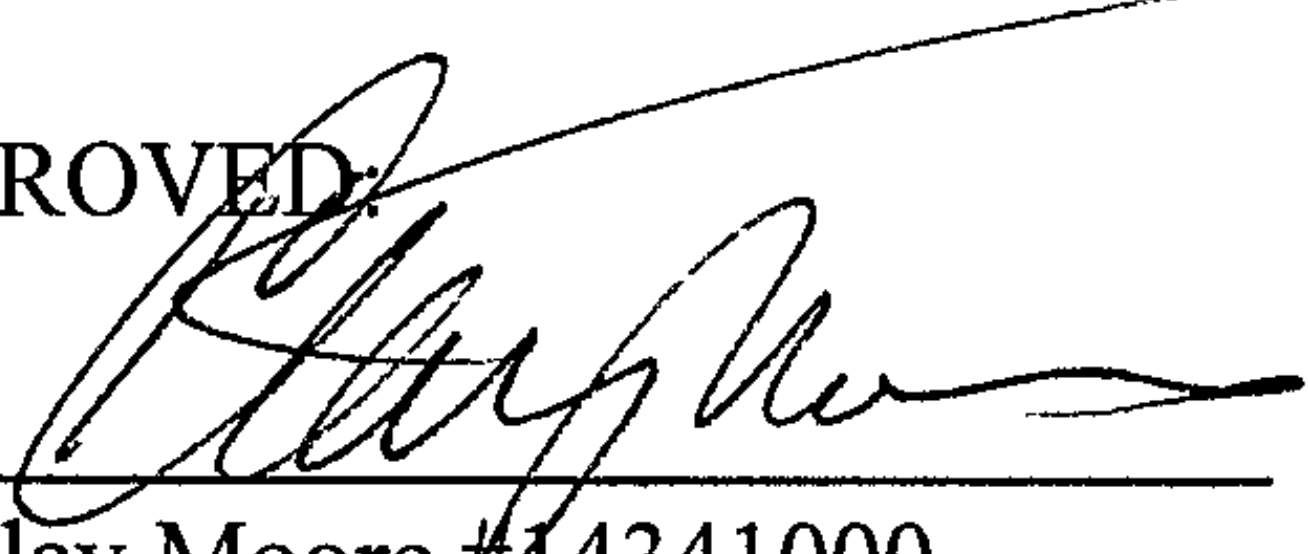
ORDERED that Plaintiffs' claims against Defendants the Metropolitan Transit Authority ("Metro"), Robert G. MacLennan, Fred Gilliam, and Jeff Arndt (incorrectly sued herein as Jeff Arnt) are dismissed with prejudice. It is further:

ORDERED that all Court costs are taxed against the party who incurred each respective Court cost.

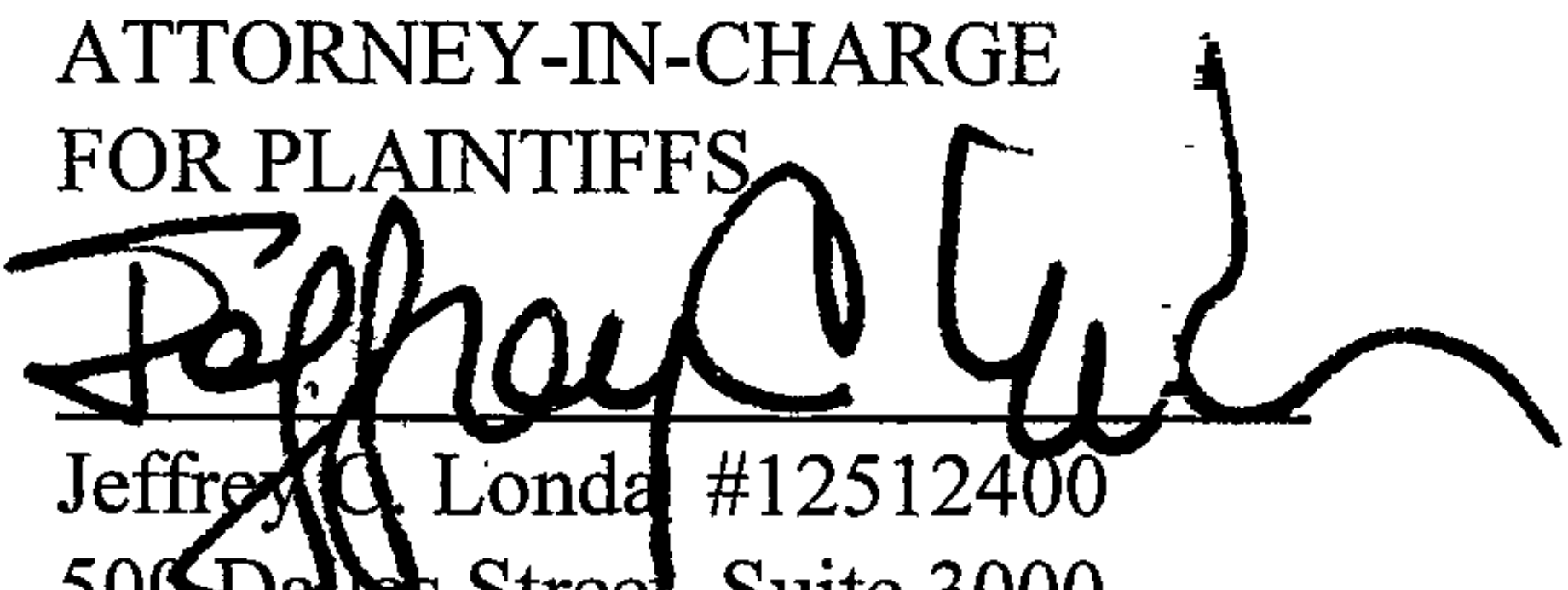
Signed this 27th day of September, 1999.


UNITED STATES DISTRICT JUDGE

APPROVED:


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